

# Notice of Allowability

Application No.

09/596,921

Examiner

Michael Misiaszek

Applicant(s)

VAN HORN ET AL.

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination 5/7/2007, Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 122, 124-129, 131-136 and 139-145.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**


4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JEFFREY A. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 122-136, drawn to a method and system of facilitating communications during an on-line group-buying sale, classified in class 705, subclass 26.
- II. Claims 137 and 138, drawn to a method and negotiating room system of facilitating communications during an on-line group-buying sale, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as accessing product information from a product database.

See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

During a telephone conversation with Colleen Chien on 10/26/2007 a provisional election was made without traverse to prosecute the invention of

Art Unit: 3625

group I, claims 122-136. Claims 137 and 138 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

This application is in condition for allowance except for the presence of claims 1-13, 26-30, 50-58, 66-70, 97-115, and 137-138 are directed to inventions non-elected without traverse. Accordingly, claims 1-13, 26-30, 50-58, 66-70, 97-115, and 137-138 been cancelled.

Art Unit: 3625

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given by Colleen Chien on 10/26/2007.

---

The application has been amended as follows:

#### ***In the Claims***

See attached Examiner's Claim Amendment.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The present invention is directed towards methods and systems of facilitating communications between a seller and buyers participating together as a buying group during an on-line group-buying sale. Independent claims 122, 129, and 136 each teach the novel features of "transmitting a voting request from a seller to the buyers asking the buyers to vote on a hypothetical offer for the product at a price from the seller," and "receiving and processing voting responses from the buyers to the voting request, wherein the responses comprise hypothetical acceptances and hypothetical rejections of the hypothetical offer." The processed responses are subsequently presented to the offering seller.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3625

The following reference has been identified as the most relevant prior art to the claimed invention(s). The prior art generally relates to group-buying environments.

Daleen et al. (US Patent # 6493722) discloses a method and system that allows a third party to communicate with a group of community subscribers. The group use the community to negotiate terms for a group purchase. Daleen et al. does not anticipate nor fairly and reasonably teach transmitting a voting request from a seller to the buyers asking the buyers to vote on a hypothetical offer for the product at a price from the seller and receiving and processing voting responses from the buyers to the voting request, wherein the responses comprise hypothetical acceptances and hypothetical rejections of the hypothetical offer.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ohja et al. (US Patent # 6598026) discloses a method and apparatus for facilitating a transaction between a buyer and a plurality of sellers. An electronic interface is provided to facilitate negotiations between buyers and sellers.

Vig (US Patent # 6038554) discloses a system for determining an entity's monetary value. The system includes surveys inquiring groups to determine an entity's true worth and specific value.

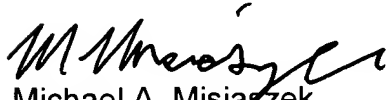
"Buying Time: Real and Hypothetical Offers" (PTO-892 Reference U) discloses findings regarding a large-scale field test of contingent valuation. The test is concerned with the willingness of its participants to accept a hypothetical purchase offer.

Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael A. Misiaszek  
Patent Examiner  
10/26/2007



JEFFREY A. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



Art Unit: 3625

### EXAMINER'S CLAIM AMENDMENT

The claims have been amended as follows:

1-121. (Canceled)

122. (Currently Amended) A computer-implemented method of facilitating communications between a seller and buyers participating together as a buying group during an on-line group- buying sale of a product offered by the seller, the method comprising:

providing an electronic negotiation room to the buyers through which a message from one buyer to another buyer can be transmitted during the on-line group-buying sale;

transmitting a voting request from a seller to the buyers asking the buyers to vote on a hypothetical offer for the product at a price from the seller;

receiving and processing voting responses from the buyers to the voting request, wherein the responses comprise hypothetical acceptances and hypothetical rejections of the hypothetical offer; and

providing the processed responses to the seller.

123. (Canceled)

Art Unit: 3625

124. (Previously Presented) The method of 122, further comprising:

- receiving from buyers counteroffers to the hypothetical offer;
- processing the counteroffers; and
- providing the processed counteroffers to the seller.

125. (Previously Presented) The method of 122, wherein processing comprises generating a demand curve for the product based on the voting responses.

126. (Previously Presented) The method of 122, further comprising:

- transmitting a second voting request from a seller to the buyers asking the
  - buyers to vote on a second hypothetical offer for the product at a
  - second price from the seller;
- receiving voting responses to the second voting request from the buyers;
- processing voting responses to the first request from buyers
  - together with voting responses to the second voting request from
  - the buyers; and
- providing the processed voting responses to the seller.

127. (Previously Presented) The method of 126, wherein processing comprises generating a demand curve based on voting responses to the first request and voting responses to the second voting request.

Art Unit: 3625

128. (Previously Presented) The method of 122, further comprising providing the processed responses to the buyers.

129. (Currently Amended) A computer-readable medium including computer-executable instructions for facilitating communications between a seller and buyers participating together as a buying group during an on-line group-buying sale of a product offered by the seller, the instructions for:

providing an electronic negotiation room to the buyers through which a message from one buyer to another buyer can be transmitted during the on-line group-buying sale;

transmitting a voting request from a seller to the buyers asking the buyers to vote on a hypothetical offer for the product at a price from the seller;

receiving and processing voting responses from the buyers to the voting request, wherein the responses comprise hypothetical acceptances and hypothetical rejections of the hypothetical offer; and

providing the processed responses to the seller.

130. (Canceled)

Art Unit: 3625

131. (Previously Presented) The medium of 129, further comprising instructions for:

- receiving from buyers counteroffers to the hypothetical offer;
- processing the counteroffers; and
- providing the processed counteroffers to the seller..

132. (Previously Presented) The medium of 129, wherein processing comprises generating a demand curve for the product based on the voting responses.

133. (Previously Presented) The medium of 129, further comprising instructions for:

- transmitting a second voting request from a seller to the buyers that asks
  - the buyers to vote on a second hypothetical offer for the product at
  - a second price from the seller;
- receiving voting responses to the second voting request from the buyers;
- processing voting responses to the first request from buyers together with
  - voting responses to the second voting request from the buyers; and
- providing the processed voting responses to the seller.

134. (Previously Presented) The medium of 133, wherein processing comprises generating a demand curve based on voting responses to the first request and voting responses to the second voting request.

Art Unit: 3625

135. (Previously Presented) The medium of 129, further comprising instructions for providing the processed responses to the buyers.

136. (Currently Amended) A system for facilitating communications between a seller and buyers participating together as a buying group during an on-line group-buying sale of a product offered by the seller, the system comprising:

a data processing system configured to provide an on-line negotiation

room in which buyers can transmit and receive

messages during the on-line group-buying sale;

a voting request transmitter that provides a voting request from a seller to

the buyers that asks the buyers to vote on a hypothetical offer for

the product at a price from the seller; and

a voting mechanism ~~for~~ configured to receive ~~receiving~~ voting responses

from the buyers to the voting request, processing the responses,

and providing the processed responses to the seller, wherein the

responses comprise hypothetical acceptances and hypothetical

rejections of the hypothetical offer.

137. (Canceled)

138. (Canceled)

Art Unit: 3625

139. (New) The method of claim 122, further comprising:

receiving one or more electronic messages from one or more buyers, and, for each message, parsing the message, selecting response content based on the parsed message, generating a response using the response content, and automatically providing the generated response to the one or more buyers.

140. (New) The computer-readable medium of claim 129, further comprising instructions for:

receiving one or more electronic messages from one or more buyers, and, for each message, parsing the message, selecting response content based on the parsed message, generating a response using the response content, and automatically providing the generated response to the one or more buyers.

141. (New) The system of claim 136, the system further comprising a data processing system that:

receives from buyers counteroffers to the hypothetical offer;

processes the counteroffers; and

provides the processed counteroffers to the seller.

142. (New) The system of claim 136, wherein the voting mechanism generates a demand curve for the product based on the voting responses.

Art Unit: 3625

143. (New) The system of claim 136, wherein the voting mechanism is further configured to transmit a second voting request from a seller to the buyers asking the buyers to vote on a second hypothetical offer for the product at a second price from the seller.

144. (New) The system of claim 143, wherein the voting mechanism is further configured to:

receive voting responses to the second voting request from the  
buyers;

process voting responses to the first request from buyers together  
with voting responses to the second voting request from the  
buyers; and

provide the processed voting responses to the seller.

145. (New) The system of claim 143, further comprising an auto-responder that receives electronic messages from one or more buyers, and, for each message, parses the message, selects response content based on the parsed message, generates a response using the response content, and automatically provides the generated response to the one or more buyers.